



Diane N. Tradd
DPD Director

R. Eric Slagle
Director

Shaun Shanahan
Acting Building Commissioner

MEMORANDUM

TO: Chairman William Bailey and Members of the Lowell Zoning Board of Appeals

FROM: Christine McCall, Assistant Planner
Division of Development Services

CC: R. Eric Slagle, DPD Development Services Director
Judy Tymon, Senior Planner
Shaun Shanahan, Acting Building Commissioner
Doreen Yeomans, Applicant

DATE: April 21, 2016

RE: 40 Raynor Street- Variance

PROJECT SUMMARY

The applicant has filed with the Zoning Board of Appeals to request a Variance to construct a 16' x 16' one story addition to their single family home, without meeting the minimum setback requirements pursuant to Section 5.1 of the Lowell Zoning Ordinance, in the Suburban Single Family (SSF) Zoning District.

DECISION CRITERIA & PREREQUISITES (Variance)

The Lowell Zoning Ordinance and Massachusetts General Law (Ch. 40A, Sec. 10) state that the Zoning Board must find the following zoning prerequisites have been met before a variance may be granted. Specifically, Section 11.2.3 states that, "the Board of Appeals is authorized to grant a variance from zoning ordinances only if each of the following jurisdictional conditions" exist:

1. Special hardship "owing to circumstances relating to the soil conditions shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district."
2. If "relief can be granted without substantial detriment to the public good."
3. Relief requested can be granted "without nullifying or substantially derogating from the intent of the zoning."

COMMENTARY

Based on a review of the submitted materials, we offer the following to the Board for consideration. ***If the Board finds that the applicant has met the requirements for granting a Variance,*** the following comments may either be clarified during the public hearing or be adopted as conditions in part or in whole to the approved relief. As always the Board may wish to add any additional conditions based on their review.

GENERAL COMMENTS

1. No Work shall commence until a Decision Letter has been recorded at the Registry of Deeds, Middlesex North and the recording information has been submitted to the Lowell Division of Development Services (DDS) office.
2. The Lowell Zoning Board and/or the authorized representative(s) reserve the right to access the property at any time for the purpose of inspecting the work covered by this proposal.
3. Documents approved by the Board and/or the agent (s) thereof shall be made a part of all construction specifications.
4. Any approval and conditions of said approval shall apply to any successor in control or successor in interest of the property described in the Variance Application and accompanying plans submitted to the Lowell Zoning Board of Appeals.

DEVELOPMENT SERVICES

5. Per Section 5.2.4 on a lot abutting streets on more than (1) side, the front yard requirement of each of the abutting streets shall apply regardless of designated front lot lines, except for the maximum front yard setback requirement, which shall apply only to one of the abutting streets. The remaining sides shall be subject to the side yard requirements.
 - The front yard setback for the SSF zoning district is 25 feet.
 - The existing front facing Raynor Street is setback 23.4 feet.
 - The proposed front setback for the addition facing Montview Avenue is 9.2 feet.
6. The plan proposes to build a portion of the addition on an existing driveway. The applicant would be required to bring the driveway into conformity (pavement 3ft from structure). However, as an alternative deemed acceptable by the Engineer's Office, the applicant could install a one foot 'drip edge' made of crushed stone between the proposed addition and the driveway.
7. The Board may wish to inquire about how many trees and/or shrubs would need to be removed to construct the proposed addition.
8. The side of the structure facing Montview Ave lacks detail, and the proposed addition has potential to provide detail more in line with the character of the neighborhood.
9. There is a note at the bottom of the plan titled, Zoning Board of Appeals Plan, that states "...this plan is an inspection plan only, not to be used as a board of appeals plan". The Board may wish to ask the applicant to clarify the purpose of that note.